

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARNELL ELLSWORTH HAYES

Petitioner,

v.

Civil Case No. 15-10081
Honorable Linda V. Parker

SHERRY BURT,

Respondent.

**ORDER GRANTING IN PART AND DENYING IN PART MOTION FOR
CERTIFICATE OF APPEALABILITY**

This matter is before the Court on Petitioner's motion for a certificate of appealability. In his motion, Petitioner seeks a certificate of appealability with respect to all of the claims asserted in his application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 in order to appeal this Court's January 9, 2018 decision denying him relief.

The Court concluded in its January 9 decision that Petitioner is entitled to a certificate of appealability with respect to only his claim related to the introduction of evidence about threats to Brian Tilles. (ECF No. 10 at Pg ID 2036.) The Court found that reasonable jurists could not debate its assessment of Petitioner's remaining claims. In his pending motion, Petitioner fails to demonstrate that this conclusion was wrong.

Accordingly,

IT IS ORDERED that Petitioner's motion for certificate of appealability is **GRANTED IN PART AND DENIED IN PART** in that Petitioner is **GRANTED** a certificate of appealability with respect to the following issue, only:

Whether Petitioner was deprived a fair trial when the trial court admitted testimony that a key witness, Brian Tilles, was reluctant to testify due to threats.

Petitioner is **DENIED** a certificate of appealability with respect his remaining claims.

Dated: February 6, 2018

s/Linda V. Parker
U.S. District Court Judge

I hereby certify that a copy of the foregoing document was served upon counsel of record on February 6, 2018, by electronic and/or ordinary mail.

s/Julie Owens acting in the absence of Richard Loury
Case Manager